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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.5383 OF 2007

IN

FIRST APPEAL NO.312 OF 2005

Laxman Gopal Taware & Ors.

..Applicants

Vs.

The State of Maharashtra & Ors.

..Respondents

Mr.R.D.Suryawanshi for Applicant No.5.

Mr.S.N.Gawade, A.G.P.for the Respondent-State.

**CORAM :- DR.S.RADHAKRISHNAN &
SMT.V.K.TAHILRAMANI,JJ.**

**DATE : 11TH DECEMBER,2007
(At 2.30 in Chamber)**

P.C.

1. Rule. Rule is made returnable forthwith.

Heard the learned Counsel for Applicant No.5 and the learned A.G.P. for the Respondent-State. the Applicants are seeking a slight modification in our earlier order dated 5th December,2005, wherein we had permitted the Applicants to withdraw the 50% of the total amount of Rs.43.00 lac, which was deposited in this Court, by furnishing security to the satisfaction of the Registrar General of this Court and the balance 50% by furnishing bank guarantee of any nationalized bank.

2. The learned Counsel for the Applicants

categorically states that the amount has been deposited in the Trial Court and not in this Court. Accordingly, he seeks modification in our order dated

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5th December,2005 that the Applicants are permitted to withdraw the 50% of the total amount of Rs.43.00 lac by furnishing security to the satisfaction of the Registrar or Nazir of the Trial Court.

3. In view thereof, our earlier order dated 5th December,2005 stands corrected to the extent that the Applicants are permitted to withdraw the 50% of the total amount of Rs.43.00 lac by furnishing security to the satisfaction of the Registrar or Nazir of the Trial Court.

4. It is made clear that the Applicants are entitled to withdraw the balance 50% of the aforesaid sum of Rs.43.00 lac by furnishing bank guarantee of any Nationalized Bank in favour of the Registrar or Nazir of the Trial Court.

5. Civil Application stands disposed of.

(SMT.V.K.TAHILRAMANI,J.)

(DR.S.RADHAKRISHNAN,J.)